**Institute of Physics and Engineering in Medicine**

**Complaint Resolution Procedure**


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## 1. Introduction and Definitions

1.1 This is the Complaint Resolution Procedure for the Institute of Physics and Engineering in Medicine (IPEM) It will be managed at all stages in such a way as to ensure a fair, just and proportionate resolution of any complaint made in relation to a member of IPEM and to ensure the subject member has a fair and proper opportunity to answer a valid complaint.

1.2 The following terms used in this Procedure have the meanings set out below:

**Adjudicator** – person appointed by IPEM to make decisions on a review of an initial closure decision (section 4); under the summary procedure (section 6); and in relation to interim suspensions (section 5) .

**Appeal panel** – a panel appointed from IPEM's pool of panellists to hear an appeal

**Appellant** – any Subject Member who brings an appeal against the decision of an Adjudicator or Complaint Resolution Panel.

**Code of Professional and Ethical Conduct** - the code approved by the IPEM Board from time to time [https://www.ipem.ac.uk/your-career/professional-conduct/]

**Complaint** – includes any complaint or complaints made by the same person or persons about a member of IPEM at the same time.

**Complaints Reviewer** – a full Member or Fellow of IPEM appointed by the Board to oversee the general management of complaints, make decisions under this Procedure on the progress of any complaint and report to the Board of Trustees.

**Complaint resolution adviser** – a person appointed by IPEM act as a first point of contact for complaints and to administer the pool of panellists. This person may not be a member of the IPEM Board of Trustees.

**Complaint resolution panel -** a panel appointed from IPEM's pool of panellists to hear a complaint

**Complainant** - a person making or pursuing a complaint under this Procedure; this term refers to each complainant if more than one person is a party to the same complaint

**IPEM** –Institute of Physics and Engineering in Medicine

**Mediation** – this term refers to the mediation process referred to in section 8 of this Procedure

**Mediator** – this term refers to one or more suitably qualified persons appointed by IPEM to lead the mediation process under section 8 of the Procedure

**Member** - this term refers to a person who has any form of IPEM membership including as a Student, Affiliate, Associate, Professional Associate, Full member and Fellow.

**Panel Chair –** lay panel member appointed by Complaints Reviewer to chair a Complaint Resolution Panel or Appeals Panel

**Panellist –** a member of the pool of people appointed by IPEM to sit on Complaint Resolution Panels and Appeals Panels.

**Relevant regulatory body** – the Engineering Council, the Science Council and any UK statutory professional regulator or Professional Standards Authority accredited register

**Regulatory determination** – any final decision or sanction in relation to a Member following an investigation by a relevant regulatory body

**Subject Member** - this term includes any member of IPEM who is the subject of a complaint and refers to each Subject Member if more than one member is named in the same complaint

**Summary Procedure** – this will only apply to complaints falling with section 3.7 of the Procedure.

## 2. Making a complaint to IPEM

2.1 Any person, including the Chief Executive of IPEM, may bring a complaint against a member.

2.2 Members of IPEM have a duty to bring a complaint against a member where it is in the public interest to do so.

2.3 A complaint can only be brought against a current Member, but a complaint can be made in relation to any conduct resulting in a criminal conviction or regulatory determination that took place prior to the period of IPEM membership, where such matters were not disclosed by the Member at the time of joining IPEM or have come to light after that time.

2.4 Any person wishing to make a complaint should complete the online complaint form or write to complaints@ipem.ac.uk or The Institute of Physics and Engineering in Medicine, Fairmount House, 230 Tadcaster Road, York, YO24 1ES to ask for a downloadable or paper copy of the complaint form which they can complete offline and return by post or email.

2.5 Any valid complaint received by IPEM after December 8th, 2025 will be handled under this Complaint Resolution Procedure.

2.6 A complaint will only be considered valid under this Procedure if the complaint falls within 2.3 above and relates to the conduct of a Member who has allegedly failed to comply with the IPEM Code of Professional and Ethical Conduct.

2.7 A complaint will usually proceed only when any related proceedings, such as court, tribunal, or those of a relevant regulatory body, in which the outcome may have a bearing on the IPEM complaint resolution procedure, have been completed.

2.8 The Chief Executive of IPEM may bring or take over the conduct of complaints against Members in circumstances including, but not limited to the following:

2.8.1 where there is a strong public interest, but no separate complaint has been made by another person, such as criminal convictions or media reports

2.8.2 where the person who made the complaint is unwilling or unable to effectively pursue the complaint on their own behalf, due to their health or vulnerability or otherwise.

## 3. Initial consideration of a complaint

3.1 All Complaints received by IPEM shall be handled in the first instance by IPEM's Complaint Resolution Advisor. The Complaint Resolution Advisor will be appointed by IPEM in accordance with section 17.1 below.

3.2 The Complaint Resolution Advisor will first check that any potential Subject Member in any complaint is a current member of IPEM and the date and nature of the alleged conduct.

3.3 The Complaint Resolution Advisor may contact the Complainant to seek clarification on any matters that are unclear. They will also advise them of the nature of this Complains Resolution Procedure and provide them with a copy by post or email.

3.4 When any circumstances which could reasonably form the subject matter of a valid complaint under 2.6 above come to the notice of the Complaint Resolution Advisor, they are to be reported to the Complaints Reviewer. The Complaints Reviewer will be appointed by IPEM in accordance with section 17.2 below.

3.5 The Complaints Reviewer, with the assistance of the Complaint Resolution Advisor, will determine whether a complaint can proceed or whether it should await the outcome of any related proceedings, such as court, tribunal, or relevant regulatory body proceedings, where the outcome may have a bearing on the complaint being considered under this Procedure.

3.6 The Complaints Reviewer, with the assistance of the Complaint Resolution Advisor, will then determine whether the complaint is valid under paragraph 2.6 above and whether the complaint is to follow the summary procedure or the full complaint resolution procedure.

3.7 The summary procedure will apply where a complaint arises from a matter that that has been adjudicated in a court or tribunal in the United Kingdom or has been subject to investigation and determination by a relevant regulatory body, where the outcome provides prima facie evidence of a breach of the IPEM Code of Professional and Ethical Conduct (see 2.6 above).

3.8 If a complaint contains multiple allegations, the summary procedure can only be used in relation to any parts of the complaint which fall within 3.7 above and any other parts of the complaint requiring resolution may be referred to a full hearing to take place thereafter, if appropriate.

3.9 Where a complaint is considered valid and is not subject to the summary procedure, the parties to the complaint shall be required to consider mediation (see Section 7 below). Where mediation is not possible or fails, a complaint will proceed to a Complaint Resolution Panel.

3.10 The Complaint Resolution Advisor may also advise the complainant of possible alternative resolution routes that may be available, such as referral of the complaint to the Subject Member's employer, use of an alternative mediation process or making a referral to a regulator or to the police. This is an option available at any time while managing a complaint.

3.11 The Complaint Resolution Advisor will notify the complainant and the Subject Member in writing of any decisions of the Complaints Reviewer under 3.5-3.9 above

3.12 The complainant has the right to request an independent review of an initial decision by the Complaints Reviewer to close their complaint under 3.6 above, in line with the procedure set out in Section 4 below.

## 4. Review of initial closure decision

4.1 If a complainant wishes to seek an independent review of an initial decision by the Complaints Reviewer to close their complaint under 3.6 above, a request should be made in writing to the Complaints Reviewer, not later than 14 days after the date of the notification of the Complaints Reviewer's decision.

4.2 A review under 4.1 will only be considered if:

4.2.1 the decision was flawed, or there was an unresolved procedural irregularity in the procedure by which the Complaints Reviewer reached the decision, or

4.2.2 new evidence has arisen that materially alters the evidence previously before Complaints Reviewer.

4.3 The complainant's request under 4.1 above must state the grounds for the review and include any new supporting evidence or material.

4.4 Upon receipt of a request under 4.1 above, the Complaints Reviewer shall appoint an Adjudicator to consider the review, with the support of the Complaint Resolution Advisor and any legal advisors appointed by the Institute.

4.5 The Adjudicator will then consider all the written material relating to the complaint, the decision of the Complaints Reviewer, the request for a review and any new evidence provided by the complainant.

4.6 The Adjudicator will then decide if the complaint or any part of the complaint is valid under 2.6 above and if so, whether the complaint is to follow the summary procedure or the full complaint resolution procedure.

4.7 The Complaint Resolution Advisor will notify the complainant and the Subject Member in writing of any decision of the Adjudicator under 4.6 above.

4.8 There is no further right of review or appeal for a complainant or the Subject Member from a final decision of the Adjudicator under 4.6.

## 5. Interim suspension of membership

5.1 Following determination by the Complaints Reviewer under 3.6 above or by the Adjudicator on a review under 4.6 above, that the complaint is valid under 2.6 above, the Complaints Reviewer shall consider whether the complaint warrants the interim suspension of the Subject Member pending the final resolution of the complaint. Circumstances in which this would be considered include, but are not limited to:

5.1.1 Where IPEM considers there may be substantial harm to the public

5.1.2 Where IPEM considers there may be substantial harm to public confidence in the profession

5.1.3 Where complaint resolution may be subject to significant periods of delay, for example where it is linked to an ongoing criminal or regulatory investigation.

5.2 The Complaints Reviewer shall appoint an Adjudicator who shall determine whether an interim suspension is to be applied and provide short written reasons for their decision.

5.3 The Complaint Resolution Advisor shall contact the Subject Member to advise them they are the subject of a valid complaint and, where appropriate, an interim suspension. The Subject Member is to be advised as to the nature of the Complaint Resolution Procedure and provided with a copy and advised as to their right to appeal the interim suspension order.

5.4 An appeal against the interim suspension decision by the Subject Member must be made in writing to the Complaints Reviewer, not later than 14 days after the date of the notification of the Adjudicator's decision, or at any time in the event of a significant change of circumstances.

5.5 An appeal in relation to an interim suspension decision will be heard by an Appeals Panel convened by the Complaints Reviewer for this purpose under section 15 of this Procedure.

## 6. Summary Procedure

6.1 Where a decision is made by the Complaints Reviewer under 3.6 above, or by the Adjudicator on a review under 4.6 above, that the conditions in 3.7 above are met, the Complaint will follow this summary procedure.

6.2 The Subject Member shall be provided with a statement of the complaint and the supporting evidence, including the decision or determination of any court, tribunal or relevant regulatory body which is relied upon.

6.3 The Subject Member shall be invited to provide a written statement in response to the Complaint, including any mitigation in relation to any matters which are admitted, within 28 days.

6.4 The response of the Subject Member shall be shared with the complainant (except for any confidential information relating to the Member's physical or mental health), who will be given an opportunity to provide any further comments in response in writing within 14 days. Any further comments received from the complainant will then be shared with the Subject Member who will be invited to provide any final written response within 14 days.

6.5 The initial complaint (including any relevant decision or determination or other supporting evidence), any written responses from the Subject Member and any written response from the complainant, shall be collated to form a final written statement of the complaint.

6.6 The Complaints Reviewer shall appoint an Adjudicator to consider the complaint, with the support of the Complaint Resolution Advisor and any legal advisors appointed by the Institute. Where an interim suspension has been imposed on the Subject Member (under section 5 above), a different Adjudicator shall consider the case.

6.7 The Adjudicator will then consider all the written material relating to the complaint set out in 6.5 above and decide if the complaint or any part of the complaint is upheld. They shall then decide whether any disciplinary action should be taken in relation to the Subject Member, and if so, what action to take. The sanctions available to the Adjudicator are the same as the sanctions available to the Summary Complaint Resolution Panel which are set out in Section 13 (Sanctions).

6.8 The complainant and Subject Member shall be notified of the Adjudicator's decisions and provided with written reasons.

6.9 Decisions made through the Summary Procedure may be subject to an appeal to an Appeals Panel as set out in Sections 14-16 below.

6.10 The Board of Trustees shall be notified of the outcome of the Summary Procedure by the Complaints Reviewer.

## 7. Full Complaint Resolution Procedure

7.1 Where a decision is made by the Complaints Reviewer under 3.6 above, or by the Adjudicator on a review under 4.6 above, that the conditions in 3.7 above are not met, the complaint will follow the full complaint resolution procedure.

7.2 The Complaint Resolution Advisor shall share with the Subject Member the written statement of the complaint and any available supporting evidence, and the Subject Member shall have 28 days to respond in writing.

7.3 The response of the Subject Member (except for any confidential information relating to the Subject Member's physical or mental health) shall be shared with the Complainant who will be given an opportunity to provide any further comments in response in writing within 14 days. Any further comments received from the complainant will then be shared with the Subject Member who will be invited to provide any final written response within 14 days.

7.4 The initial complaint, any written responses from the Subject Member and any written response from the complainant, shall be collated by the Complaint Resolution Advisor to form a final written statement of the complaint.

7.5 The first stage in the full complaint resolution procedure will be mediation, in accordance with section 8 below. Where mediation is not possible or fails, a complaint will then proceed to a Complaint Resolution Panel, as set out in section 8 below.

## 8. Mediation

8.1 As part of the full Complaint Resolution Procedure, in any case where the complaint is not to follow the Summary Procedure (Section 6), the Complainant and Subject Member may be requested in writing to consider engaging in a process of mediation, which is intended to bring about a consensual outcome to the complaint. Where either party does not wish to engage in mediation, their reasons should be set out in writing to the Complaints Reviewer.

8.2 Mediation is an informal process managed at the discretion of the Complaint Resolution Advisor and the Complaints Reviewer, who shall appoint a Mediator.

8.3 Mediation is a confidential process: no records will be kept afterwards, apart from where a party to the complaint does not wish to engage in mediation. The reasons given in these instances shall be shared with subsequent panels.

8.4 If a complaint involves one or more complainants any mediation must be undertaken by all the complainants.

8.5 If a complaint involves one or more Subject Members, unless the mediator and all the parties agree that a single mediation process can involve more than one Subject Member, a separate mediation process will be arranged for each Subject Member.

8.6 Mediation shall commence as soon as reasonably practicable and will end not more than three months after the Mediator has been appointed, unless a three-month extension is agreed with the parties, the Mediator and the Complaints Reviewer.

Save in exceptional circumstances, no more than one extension of the mediation period will be agreed.

8.7 The Mediator shall receive the written statement of the Complaint collated by the Complaint Resolution Advisor and any supporting material. The Mediator may investigate any facts and circumstances of the complaint with the parties during the mediation process.

8.8 The Complainant and the Subject Member are expected to speak for themselves at meetings arranged to facilitate mediation, but they may be accompanied by any other person they choose.

8.9 The Complainant and the Subject Member may state their position and any relevant issues in writing to the mediator at any time.

8.10 The Mediator does not have to reveal to the Complainant what they have been told by, or have said to, the Subject Member; and vice versa.

8.11 Mediation shall end if and when:

8.11.1 The complaint is withdrawn by the complainant

8.11.2 The mediator advises the Complaints Reviewer that mediation has been successful, and an informal settlement has been reached

8.11.3 The mediator advises the Complaints Reviewer that mediation has been unsuccessful

8.11.4 The Complainant or Subject Member(s) withdraw from the process of mediation.

8.11.5 Three months have elapsed, and no agreement to continue mediation has been reached with the Complaints Reviewer.

8.12 Where one or more of the parties does not wish to engage in the mediation process or a complaint cannot be resolved by mediation, it shall proceed to a Complaint Resolution Panel.

## 9. Appointment of Complaint Resolution Panels and Appeals Panels

9.1 The Complaints Reviewer, with the help of the Complaint Resolution Advisor, shall appoint not fewer than three members of the pool of panellists to a Complaint Resolution Panel or Appeals Panel, as required, at least one of which shall be a lay member and at least two of which shall be full members or Fellows of IPEM. Any panel should be comprised of an odd number of panellists, with a majority of IPEM members.

9.2 The Complaints Reviewer shall ensure that a lay panellist is appointed as the chair of any Complaint Resolution Panels and Appeals Panels ('the Panel Chair').

9.3 No member of the pool of panellists shall participate in a panel where:

9.3.1 They have participated in mediation or any other formal or informal consideration relating to the same complaint.

9.3.2 They have had previous dealings with the Complainant or Subject Member(s) personally or professionally, and/or their personal or professional dealings give rise to a conflict of interest.

9.3.3 They have prior knowledge of any matters relating to the complaint.

9.4 The Panel must participate throughout the proceedings. Panellists may absent themselves with the permission of the Panel Chair but may not participate in the Panel beyond this point. An absent panellist may be replaced by another member of the pool of panellists, provided they meet the conditions set out in 9.3 (above) and where this can be achieved without unfairness to the parties to the complaint.

## 10. Convening and managing a Complaint Resolution Panel

10.1 At least 28 days' notice shall be given of a Complaint Resolution Panel hearing to the Complainant and the Subject Member, by the Complaint Resolution Advisor.

10.2 The notice of a Complaint Resolution Panel hearing shall include:

10.2.1 Date, time and place of the hearing, or access information if the hearing is to be held online.

10.2.2 Details of the procedure to be followed by the Panel.

10.2.3 The written statements of the complaint and any evidence accompanying these statements.

10.2.4 The names of the members of the panel.

10.3 Within two weeks of the date of the Complaint Resolution Panel hearing, the Complainant and Subject Member shall confirm in writing to the Complaint Resolution Advisor:

10.3.1 That they will be present at the hearing, or to give reasons why they may be permitted to be absent and/or represented by a third party

10.3.2 The names, contact details and standing of any persons accompanying and/or representing them at the hearing

10.3.3 The names, contact details and standing of any witnesses they seek permission to call in the course of the hearing, which shall be shared with the other parties to the complaint.

10.3.4 Any requests for special measures for any parties or their witnesses

10.4 Witnesses may only be called where a written statement of the substance of their evidence has been provided in advance.

10.5 The Panel Chair shall decide as soon as practicable:

10.5.1 To accept reasons given by a party for being absent from a hearing

10.5.2 To permit representatives

10.5.3 To allow witnesses to be called

10.5.4 To direct any special measures under section 11.9.

10.6 The Complainant and the Subject Member will be expected to attend the hearing unless permitted by the Panel Chair to be absent in accordance with paragraph 9.5 above. The Panel Chair may direct the Complainant and the Subject Member to attend. If either the Complainant or the Subject Member fails to attend the panel hearing without reference to paragraphs 10.3 and 10.5, their absence may be regarded as evidence against them.

10.7 The hearing will be conducted in the presence of the Complainant and the Subject Member unless the Panel Chair decides otherwise. The Panel Chair may request witnesses to attend.

10.8 The hearing may proceed in the absence of either the Complainant or the Subject Member and without the Complainant or the Subject Member having exercised their rights in accordance with this Procedure, provided they were properly notified of such rights.

10.9 Subject to paragraph 10.5 above, the Complainant and the Subject Member shall be permitted to call witnesses and to question witnesses. Members of the Complaint Resolution Panel may also question witnesses.

10.10 The normal procedure at a hearing, subject to the discretion of the Panel Chair, will be:

10.10.1 The Panel Chair will ensure that everyone present is made known and explain the procedure that the Panel will follow.

10.10.2 The Panel will deal with any preliminary matters notified in advance to the Chair of the Panel

10.10.3 The summary of the complaint shall be read to the hearing by the Chair.

10.10.4 The Complainant will be called to speak and to present any witnesses.

10.10.5 The Subject Member will be called to respond, to question the Complainant's witnesses and to present any witnesses of their own.

10.10.6 The Complainant will be invited to question the Subject Member's witnesses.

10.10.7 The Panel will consider the Complaint and written submissions before it and call such witnesses as it sees fit.

10.10.8 The panel may question witnesses called by the Complainant and the Subject Member.

10.10.9 The Complainant and Subject Member may question each other, through the Chair, and with the Panel Chair's express invitation to do so.

10.11 The Complaint Resolution Panel shall retire in private, save for the Complaint Resolution Advisor and any legal advisors appointed by the Institute, to consider their decision and, if required, the sanction to be applied, in accordance with Sections 11 and 12 of this Procedure.

10.12 The Panel Chair shall announce the panel's decisions at the hearing where possible and convey the decision in writing, with reasons, to the Complaints Reviewer, copied to the Complainant and Subject Member within 21 days of the date of the conclusion of the hearing.

10.13 The decision will come into force when it has been reported to the Board of Trustees by the Complaints Reviewer, in accordance with Section 12 below.

## 11. Complaint Resolution Panels and Appeals Panels – General procedures and evidence

11.1 Hearings will be in private unless the Panel Chair and the Complaints Reviewer decide otherwise. A summary note of proceedings will be prepared by the Complaint Resolution Advisor and will be available on request to the parties to the complaint and to IPEM.

11.2 The Panel Chair may decide that more than one Complaint against the same Subject Member, or Complaints against more than one Subject Member, will be handled together.

11.3 Unless the Panel Chair decides that an adjournment is necessary from time to time, the Panel will sit from day to day until it has announced a decision on all aspects of the complaint.

11.4 The Complainant and the Subject Member have the right to attend the hearing in person and each may be accompanied and/or represented at the hearing by another person, who may be legally qualified or not, provided they have been notified to the Panel Chair under paragraph 10.3 not less than 7 days prior to the date of the hearing.

11.5 An audio record of proceedings shall be made, except when the panel retires in private. A summary written record will be made of the proceedings. A transcript of the audio recording may be supplied to the Subject Member or the Complainant if they

11.5.1 request it within three months of the hearing;

11.5.2 pay the cost of supplying it.

11.6 The Panel Chair may take whatever steps they consider necessary at any time to ensure that the case is handled fairly and efficiently. This may include extending or abridging any time limit that has been imposed on the Complainant or Subject Member or that governs the procedures of the Panel.

11.7 The standard of proof in relation to any disputed findings of fact is the balance of probabilities and the burden of proof in relation to any complaint or part of a complaint lies on the complainant.

11.8 In any instances not explicitly covered by this Procedure, the Panel Chair may manage the procedure of the Panel as they see fit: for example, in approving any application to postpone a hearing which has not begun, or in adjourning a hearing from time to time to seek further information or to give the Complainant or Subject Member time to consider a response.

11.9 The Panel Chair may allow special measures to be put in place during a panel hearing where they consider that a witness or party may be assisted by them to give evidence or participate effectively or such measures are otherwise necessary for a fair and effective hearing, whether or not a direction has previously been given under paragraph 10.5 above.

11.10 The special measures may include, but are not limited to:

11.10.1 setting ground rules for questioning

11.10.2 not allowing a party or witness to be directly questioned by the other party

11.10.3 allowing a party or witness to give their evidence remotely or from behind a screen

11.10.4 allowing additional breaks during the hearing or giving of evidence

11.10.5 allowing the use of an interpreter, intermediary or other supporter or communication aids for any party or witness

11.11 The Panel Chair shall be advised by the Complaint Resolution Advisor and any legal advisors appointed by the Institute.

11.12 The Panel may admit evidence of any sort, whether or not it would be acceptable in a court of law.

11.13 The Panel will normally only consider information and evidence submitted not less than 7 days in advance of the date of the hearing.

11.14 The Panel may direct the Complainant or Subject Member to provide additional information as necessary and within a specified time.

11.15 In exceptional circumstances, such as where information and evidence were not previously available, the Panel Chair may allow new evidence or information to be admitted at a hearing that has not been submitted by the due date, provided that the Subject Member is not disadvantaged as a result.

11.16 The Panel may consider any facts or matters which were considered by IPEM on any previous occasions in relation to the Subject Member provided parties to the complaint are given advance notice of this and provided with full disclosure.

11.17 The Panels shall not have access to any information relating to any mediation process involving any of the parties at the hearing, except for the information specified in paragraph 8.3 above.

11.18 Correspondence and discussions between the Complaint Resolution Advisor and the Complainant and Subject Member are confidential and will not be considered as evidence, except for the written statement of the Complaint, the formal written responses of the Subject Member and the Complainant and any supporting documents.

## 12. Complaint Resolution – Decisions

12.1 Decisions of the Complaint Resolution shall be notified to the Complainant and the Subject Member in writing in line with paragraph 10.12 above

12.2 A Complaint Resolution Panel shall first decide whether a complaint or any part of a complaint is or is not upheld. They shall then decide whether any disciplinary action should be taken in relation to the Subject Member, in accordance with Section 13 (below), and if so, what action to take.

12.3 Decisions of Complaint Resolution Panels will only come into effect when they have been reported to the Board of Trustees and entered into the minutes of the Board

meeting. Such reports may be made between meetings of the Board but should be recorded in the meeting minutes at the first opportunity.

12.4 The decision of a Complaint Resolution Panel shall be notified to the Board of Trustees, in writing, by the Complaints Reviewer. The report shall also include:

12.4.1 Whether or not the Complainant and Subject Member participated in the Complaint Resolution procedure and whether the procedure was followed.

12.4.2 Where the Complainant or Subject Member may have failed to follow this procedure and whether further action by the Board of Trustees should be taken.

12.5 The report to the Board of Trustees of a Complaint Resolution Panel decision may not be made until the time in which an appeal may be made has lapsed.

12.6 Once a report to the Board of Trustees has been recorded, and where the Complaint Resolution Panel decided that the Subject Member breached the Code of Conduct, the decision will normally be made public. Decisions may also be made public by specific request of a Subject Member following a decision not to uphold a complaint. The Institute may redact personal and sensitive information where it considers it necessary to do so.

## 13. Sanctions

13.1 The following sanctions will be available in respect of any complaint upheld by the Adjudicator under the Summary Procedure or by the Complaint Resolution Panel under the full Complaint Resolution Procedure or by the Appeals Panel:

13.1.1 No action to be taken.

13.1.2 Recording the finding in the Subject Member's membership record for a specified period not exceeding 5 years.

13.1.3 Letter of advice, containing specific actions for the Subject Member to carry out within a specified period, with a record of the finding in the Subject Member's membership record for a specified period not exceeding 5 years and to be raised only in the context of other Complaint Resolution proceedings carried out by IPEM.

13.1.4 Reprimand, in writing, on behalf of the Board of Trustees, with a record of the finding in the Subject Member's membership record for a specified period not exceeding 5 years.

13.1.5 Suspension from Membership for a specified period not exceeding 2 years

13.1.6 Expulsion from Membership with the option of applying for readmittance after 5 years

13.1.7 Expulsion from Membership with no option for readmittance at any member grade at any time

13.2 Members subject to suspension, expulsion or exclusion shall not receive a refund for any fees paid to IPEM in respect of membership.

13.3 Members who fail to provide evidence of carrying out the specific actions in a letter of advice may be subject to further action, under the Summary Complaint Resolution Procedure.

13.4 Members who are expelled with an option of applying for readmittance after 5 years must make a fresh IPEM membership application after that time and must comply with the requirements for membership at that time.

## 14. Requesting an Appeal

14.1 If the Subject Member wishes to appeal a decision made by the Adjudicator under the Summary Complaint Resolution Procedure or by the Complaint Resolution Panel, a request should be made in writing to the Complaints Reviewer, not later than 14 days after the date of the notification of the Adjudicator's decision under the Summary Procedure or the Panel's decision by the Complaint Resolution Panel Chair.

14.2 Appeals under 14.1 will only be considered if:

14.2.1 the decision was flawed, or there was an unresolved procedural irregularity in the procedure by which the Adjudicator or the Complaint Resolution Panel reached the decision, or

14.2.2 new evidence has arisen that materially alters the evidence previously before the Adjudicator or the Complaint Resolution Panel.

14.3 The request in writing to Appeal the decision must state the grounds for the appeal and include any supporting evidence or material.

14.4 A request for an appeal will not be treated as being validly made and merited by the Complaints Reviewer if it fails to comply with paragraphs 14.1, 14.2 and 14.3 above or where the grounds of appeal have already been addressed wholly or substantively by the Complaints Reviewer in their discharging of paragraphs 17.11-13 below.

14.5 There is no right of appeal for a complainant from a final decision of the Adjudicator or Complaint Resolution Panel.

14.6 The criteria in 14.2 do not apply to an appeal in relation to an interim suspension decision made under regulation 5.

## 15. Convening and Managing an Appeals Panel

15.1 Where an Appeal is made against an interim suspension decision under section 5 above or is validly made and merited under section 14 above, the Complaints Reviewer shall appoint an Appeals Panel and Panel Chair in accordance with Section 9 of this Procedure.

15.2 The Complaint Resolution Advisor shall provide the Appeals Panel with the written grounds for the Appeal, and:

15.2.1 All material that was supplied to the Adjudicator or the Complaint Resolution Panel during the complaint

15.2.2 a written summary of the Hearing referred to at 11.1 above and any transcript of the hearing obtained by a party under 11.5, if applicable

15.2.3 the written decision of the Adjudicator or Complaint Resolution Panel,

15.3 Save in an appeal relating to an interim suspension decision, the Appeals Panel shall meet in private for a pre-hearing review of the case. At that pre-hearing the Panel will consider if the appeal is to be by way of review, where the Appeal alleges a flawed decision, or a re-hearing, where new evidence is available. The Pre-hearing review shall also consider the management of the hearing, including matters such as which facts are admitted and which are disputed, the attendance of the witnesses, requests for further evidence or statements.

15.4 Decisions made in the Pre-Hearing Review shall be recorded with reasons clearly stated and any directions to the Appellant shall be issued with the notice of the Appeal Panel Hearing.

15.5 An appeal against an interim suspension decision will always be by way of a re-hearing.

15.6 At least 28 days' notice shall be given of an Appeals Panel hearing to the Appellant, by the Complaint Resolution Advisor.

15.7 The notice of an Appeals Panel hearing shall include:

15.7.1 Date, time and place of the hearing, or access information if the hearing is to be held online.

15.7.2 Details of the procedure to be followed by the Panel.

15.7.3 The written statement(s) supporting the Appeal and any evidence accompanying these statements.

15.7.4 Any directions or decisions arising from the Pre-Hearing Review

15.7.5 The names of the members of the panel

15.8 At least 14 days before the date of the Appeals Panel hearing, the Appellant shall confirm in writing to the Complaint Resolution Advisor:

15.8.1 That they will be present at the hearing, or to give reasons why they may be permitted to be absent and/or represented by a third party

15.8.2 The names, contact details and standing of any persons accompanying and/or representing them at the hearing

15.8.3 The names, contact details and standing of any witnesses they seek permission to call in the course of the hearing

15.8.4 Any additional documents they may wish to be taken into consideration.

15.9 The Panel Chair shall decide as soon as practicable:

15.9.1 To accept reasons given for being absent from a hearing

15.9.2 To permit representatives

15.9.3 To admit witnesses

15.9.4 To accept any additional documents

15.9.5 To direct any special measures under section 11.9.

15.10 Where new evidence or documentation is submitted by an Appellant, the Panel Chair may invite the Complainant to respond in writing.

15.11 The Panel Chair may dismiss an appeal if the Appellant fails to comply with this Procedure or with any direction issued by the Panel Chair. The Panel Chair shall not make such an order dismissing the appeal before giving the Appellant a reasonable opportunity to show cause why such an order should not be made.

15.12 The Appeals Panel will consider the Complaint only in respect of the grounds of appeal.

15.13 The Appellant has the right to attend the hearing in person and may be accompanied and/or represented at the hearing by another person, who may be legally qualified

or not. Other parties to the complaint do not have the right to attend in person, but this may be permitted at the discretion of the Panel Chair.

15.14 The Panel Chair may request witnesses to attend, who may include other parties to the complaint.

15.15 The hearing may proceed even if the Appellant fails to attend or fails to make use of the rights of the Appellant under this Procedure in any other way, provided that Appellant had been duly notified of their rights and obligations as set out in this Procedure.

15.16 If the Appellant fails to attend without permission to be absent and without good cause, their absence will be regarded by the Panel as evidence against them.

15.17 The Panel will reach a decision in accordance with Section 16 (Appeals Panels Decisions). The decision will come into force when it has been reported to the Board of Trustees by the Complaints Reviewer.

15.18 The normal procedure at an appeal hearing, subject to the discretion of the Panel Chair, will be:

15.18.1 The Panel Chair will ensure that everyone present is made known and explain the procedure that the Panel will follow.

15.18.2 The Appellant will be called to speak and to present any witnesses.

15.18.3 The Panel may question the Appellant and their witnesses.

15.18.4 The Panel will consider the Appeal and written submissions before it and call such witnesses as it sees fit.

15.19 The Appeals Panel shall retire in private, save for the Complaint Resolution Advisor and any legal advisors appointed by the Institute, to consider their decision.

15.20 The Chair of the Panel shall announce the Panel's decision to the Appellant and convey the decision in writing, with reasons, to the Complaints Reviewer, copied to the Appellant and the Complainant, within 21 days of the hearing.

## 16. Appeals Panel – Decisions

16.1 Decisions of the Appeals Panels shall be notified to the Complainant and the Subject Member in writing in line with paragraph 15.20 above

16.2 On an appeal in relation to an interim suspension decision, the Appeals Panel must decide whether the complaint warrants the interim suspension of the Subject Member pending the final resolution of the complaint, having regard to the criteria in section 4 of this Procedure.

16.3 On any other appeal, an Appeals Panel may decide:

16.3.1 To dismiss an appeal

16.3.2 To uphold an appeal and overturn the decision of the Adjudicator or Complaint Resolution Panel

16.3.3 To replace the decision of the Complaint Resolution Panel with a different decision or disciplinary action within the powers of the Complaint Resolution Panel.

16.4 Decisions of Appeals Panels will only come into effect when they have been reported to the Board of Trustees and entered into the minutes of the meeting. Such reports may be made between meetings of the Board but should be recorded in the meeting minutes at the first opportunity.

16.5 The decision of an Appeals Panel shall be notified to the Board of Trustees, in writing, by the Complaints Reviewer. The report shall also include:

16.5.1 Whether or not Subject Member participated in the appeal procedure and whether the procedure was followed.

16.5.2 Where the Subject Member may have failed to follow this procedure and whether further action by the Board of Trustees should be taken.

16.6 Once a report to the Board of Trustees has been recorded, and where the Appeals Panel decided that the Subject Member breached the Code of Conduct, the decision will normally be made public. Decisions may also be made public by specific request of a Subject Member following a decision not to uphold a complaint. The Institute may redact personal and sensitive information where it considers it necessary to do so.

## 17. General Management of the Complaint Resolution Procedure

17.1 IPEM shall appoint a Complaint Resolution Advisor, who will act as a first point of contact for complaints and shall administer the pool of panellists. They may not be a member of the IPEM Board of Trustees

17.2 IPEM shall appoint a Full Member or Fellow of the Institute to act as Complaints Reviewer. They will oversee the general management of complaints, make decisions as required on the progress of any complaint and report to the Board of Trustees. They may not be a member of the IPEM Board of Trustees

17.3 IPEM shall appoint and maintain a pool of panellists which includes full members and Fellows of the Institution, and Lay People who are not, have never been, and are not eligible to be, in the membership of IPEM. This pool shall be recruited to provide personnel for Complaint Resolution and Appeals Panels. No person who is

a member of IPEM's Board of Trustees, including Council Directors, or Executive Team may also be a member of the pool of panellists.

17.4 IPEM shall appoint and maintain a pool of internal or external trained Mediators who can be instructed to undertake a mediation process under this Procedure.

17.5 IPEM shall appoint and maintain a pool of people who can act as Adjudicators in relation to complaints under this Procedure. No person who is a member of IPEM's Board of Trustees, including Council Directors, or Executive Team may also be a member of the pool of Adjudicators.

17.6 IPEM shall ensure that any panellists, mediators, and Adjudicators have the necessary skills, experience and training to undergo their roles.

17.7 IPEM may arrange any meeting or hearing of the Complaint Resolution Panel or the Appeals Panel under this Procedure to be conducted as a virtual meeting or hearing using audio or video conferencing facilities.

17.8 Appeals against the outcome of a Complaint Resolution Panel shall be heard by an Appeals Panel, if the conditions set out in Section 5 (Interim suspension) and Section 14 (Requesting an Appeal) are met.

17.9 Failure to comply with this procedure shall not render the procedure void, but a Panel Chair may act as necessary to redress failure if they consider it may have disadvantaged either party to the Complaint.

17.10 If the Subject Member resigns during the application of the Complaint Resolution Procedure, their resignation shall not be accepted and those proceedings shall continue, nor shall IPEM take payment for membership subscriptions that fall due during this process or seek to include them in any continuing professional development audit, or any other processes where non-compliance may invalidate their membership of IPEM. If the member is entitled to and wishes to remain in membership at the conclusion of this Procedure, any uncollected or outstanding fees or subscriptions will be payable.

17.11 Any relevant concerns or queries about the conduct of this Procedure, including the interpretation or application of this Procedure in the course of managing a complaint, may be referred to the Complaints Reviewer at any time by the Complainant, the Subject Member, the Chief Executive of IPEM, an Adjudicator, any Chair of the Complaint Resolution Panel, any Chair of the Appeals Panel or the Complaint Resolution Advisor.

17.12 Any reference to the Complaints Reviewer concerning a hearing must be made within five days of the end of the hearing.

17.13 A decision by the Complaints Reviewer concerning the conduct of a complaint, if upheld, may be cited as a ground for an appeal by the Subject Member. In all other instances, the Complaints Reviewer's decision is final and binding.

17.14 Decisions by the Complaints Reviewer shall be reported in writing to the Complainant, the Subject Member, and the Panel Chair of any relevant panel. If reference has been made to the Complaints Reviewer after the end of a hearing by the Appeals Panel, the Complaints Reviewer's shall report their decision to the Trustee Board.

17.15 IPEM will keep a record of all complaints, and their outcomes. Such records are to be kept for a maximum of 5 years.

17.16 Advice to parties to the complaint will be offered in good faith without obligation by the Complaint Resolution Advisor (except as otherwise directed in this Procedure) and may be given to enable:

17.16.1 a Complaint to be resolved by mediation (see section 8) before it is referred to a Complaint Resolution Panel

17.16.2 the Parties to a complaint to present their cases fully and fairly to the Adjudicator or the Complaint Resolution Panel.

17.17 A complaint shall be considered completed when any outcomes, including mediation and appeals, have been notified to the Board of Trustees.

## 18. Service of documents.

18.1 Failure to receive documents served in connection with this Complaint Resolution Procedure shall not render the procedure invalid. It is the responsibility of all parties to a complaint to provide up to date contact details. Documents shall be deemed to have been validly served on either Party to a Complaint:

18.1.1 If sent by email to an email address that has been provided to IPEM and is known to have been active and accurate recently,

18.1.2 If sent by recorded delivery post to the last known address provided by the party to IPEM or to an address specified in writing (including the address of their legal advisor) or

18.1.3 If handed to them in person, or

18.1.4 If served in a way that may be directed by a Panel Chair or the Complaints Reviewer

## 19. Confidentiality

19.1 Details of a complaint and its progress must be treated as confidential by the Subject Member, Complainant, Complaints Reviewer, Complaint Resolution Advisor, Panel members and any IPEM Staff, members or lay members, without time limit, except that:

19.1.1 Information may be passed to third parties (e.g. Witnesses) on a strict 'need to know' basis and such third parties are bound by rule 19.1.

19.1.2 The Complaints Reviewer and/or Panel Chair may decide that facts (other than details of any mediation) may be published or shared if they are of public concern;

19.1.3 When a breach of the code has been found to have occurred, the decisions of panel would normally be published, save for any information relating to the physical or mental health of any of the parties or witnesses which may be redacted.

19.1.4 The Institute may disclose to any person any information relating to a complaint against a member which it considers to be in the public interest to disclose.

19.2 All data will be processed and stored in accordance with the IPEM data handing /privacy policy which can be found on the IPEM website here [https://www.ipem.ac.uk/privacy-policy/]

19.3 Any breach or alleged breach, of confidentiality may give rise to a further complaint.